

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GREGORY BROWN, }
v. Plaintiff, }
WARREN STATE HOSPITAL, }
Defendant. } Civil Action No. 05-274 Erie

MEMORANDUM ORDER

Plaintiff's civil rights complaint was received by the Clerk of Court on September 22, 2005, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on September 27, 2005, recommended that the Plaintiff's Motion to Proceed *In Forma Pauperis* [Doc. 1] be denied and the case dismissed without prejudice. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail at Warren State Hospital, Plaintiff's address of record, and on the Defendant. No objections were filed. After *de novo* review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 17th Day of October, 2005;

IT IS HEREBY ORDERED that the Plaintiff's Motion to Proceed *In forma Pauperis* [Doc. 1] is DENIED and the case DISMISSED WITHOUT PREJUDICE.

The report and recommendation of Magistrate Judge Baxter, dated September 27, 2005, is adopted as the opinion of the court.

s/ SEAN J. McLAUGHLIN
United States District Judge

cc: all parties of record